

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

SOUTHERN COAL CORPORATION;)

A&G COAL CORPORATION;)

JUSTICE COAL OF ALABAMA, LLC;)

BLACK RIVER COAL, LLC;)

CHESTNUT LAND HOLDINGS, LLC;)

DOUBLE BONUS COAL COMPANY;)

DYNAMIC ENERGY, INC; FOUR)

STAR RESOURCES, LLC; FRONTIER)

COAL COMPANY, INC; INFINITY)

ENERGY, INC; JUSTICE ENERGY)

COMPANY, INC; JUSTICE)

HIGWALL MINING, INC;)

KENTUCKY FUEL CORP.;)

KEYSTONE SERVICES INDUSTRIES,)

INC.; M&P SERVICES, INC.; NINE)

MILE MINING COMPANY, INC.;)

NUFAC MINING COMPANY, INC.;)

PAY CAR MINING, INC.; PREMIUM)

COAL COMPANY, INC.; S AND H)

MINING, INC.; SEQUOIA ENERGY,)

LLC; TAMS MANAGEMENT, INC.;)

VIRGINIA FUEL CORP.,)

Defendants.)

**Case No. 7:19-cv-354
Senior Judge Glen E. Conrad**

DEFENDANTS' WITHDRAWAL OF MOTION TO DISMISS

Due to ongoing settlement negotiations and in an effort to further those negotiations, Defendants Double Bonus Coal Company, Dynamic Energy, Inc., Frontier Coal Company, Inc., Justice Energy Company, Justice Highwall Mining, Inc., Keystone Services Industries, Inc., M&P Services, Inc., Nufac Mining Company, Inc., and Pay Car Mining Company, Inc., hereby withdraw

their Motion to Dismiss. (Dkt. 4). These Defendants will file their responsive pleading to the United States of America's Complaint (Dkt. 1) no later than January 14, 2020. *See* Fed. R. Civ. P. 12(a)(4)(A).

Respectfully submitted,

DOUBLE BONUS COAL COMPANY, et al.

By: /s/ Aaron Balla Houchens
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CERTIFICATE OF SERVICE

I hereby certify that on this 7th of January 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and the foregoing was electronically transmitted through the CM/ECF system to the following CM/ECF participants:

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